



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
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February 19, 2014

Ms. Cynthia K. Dohner  
Regional Director  
Southeast Region  
U.S. Fish and Wildlife Service  
P.O. Box 49567  
Atlanta, GA 30345

**Subject: EPA NEPA Review Comments for the “*Deepwater Horizon* Oil Spill; Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement” (Draft Phase III ERP/PEIS) CEQ #20130363**

Dear Ms. Dohner:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject Deepwater Horizon Oil Spill Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement (Draft Phase III ERP/PEIS) in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). The *Deepwater Horizon* oil spill (“DWH Oil Spill”) is the largest oil spill in U.S. history, causing impacts to natural resources in the Gulf. In response to the DWH Oil Spill, and in accordance with the Oil Pollution Act (OPA), and the National Environmental Policy Act (NEPA), the Federal and State natural resource trustee agencies (DOI, the National Oceanic and Atmospheric Administration (NOAA), the EPA, and the U.S. Department of Agriculture (USDA), Alabama, Florida, Mississippi, Louisiana, and Texas) prepared this document. The Draft Phase III ERP/PEIS considers programmatic alternatives for early restoration of natural resources, ecological services, and recreational use services injured or lost as a result of the DWH Oil Spill.

**EPA DEIS Comments and Rating**

Our review of the Draft Phase III ERP/PEIS was coordinated with respect to: 1) the NEPA programmatic aspects of the document (Chapters 1-6); and 2) the project-specific aspects of the document (Chapters 7-12). With respect to the first, our review did not raise any significant or substantive NEPA programmatic issues. With respect to our review of the project-specific aspects of the document, we would like to offer the following comments for consideration.

- 1) The EPA strongly supports Trustee efforts to date to incorporate, as appropriate, sustainable strategies and designs into Early Restoration project planning. Such features might include, but are not limited to: use of pervious materials for parking areas/roadways and walkways and other green stormwater management features, living shoreline techniques, climate adaptation and resiliency design features,

strategies to help reduce production of and manage waste (trash) potentially generated by patrons of restoration project sites, and use of organic fertilizers. Use of these and other similar sustainable approaches can help reduce unintended environmental impacts of proposed projects on local water quality and hydrology, aesthetics and recreational user experiences. To the extent sustainable features are included in the proposed design for Early Restoration projects, we recommend that this be highlighted in the applicable project-specific sections of the FEIS. To the extent such practices are not currently included in proposed project designs, we suggest that such features be considered as projects move forward to final design, where practicable and appropriate.

- 2) For those proposed Early Restoration projects that involve a discharge of dredged or fill material into waters of the U.S., the EPA looks forward to continued interagency discussion of issues specific to Clean Water Act Section 404, including participating in the U.S. Army Corps of Engineers permit coordination and review process to help ensure that potential impacts on the aquatic environment are avoided and minimized to the maximum extent practicable and that compensatory mitigation is provided, as necessary, for any remaining unavoidable impacts.

In summary, the EPA supports and believes the actions proposed under the Draft Phase III ERP/PEIS will provide early restoration for impacted natural resources in the Gulf of Mexico region as a result of the *Deepwater Horizon* Oil Spill. Therefore, EPA rates the Draft Phase III ERP/PEIS as "LO" (Lack of Objections).

The EPA appreciates the opportunity to review the Draft Phase III ERP/PEIS, and provide suggestions for consideration in the design and implementation of the proposed Early Restoration projects. Should the DOI have questions regarding our comments, please feel free to contact me at 404/562-9611 or Dan Holliman of my staff at 404/562-9531.

Sincerely,

A handwritten signature in dark ink, reading "Ramona K. McCune for". The signature is fluid and cursive, with the word "for" written in a smaller, simpler script at the end.

Heinz J. Mueller  
Chief, NEPA Program Office  
Office of Environmental Accountability